

IN THE UNITED STATES DISTRICT
COURT OF WEST PENNSYLVANIA

Plaintiff: Antwan McCarrel

2:24 cv 1358

Vs.

RECEIVED

Defendants: Hunter Sarker

SEP 26 2024

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to serve upon Plaintiff, whose address is 950 2nd Ave Pgh PA 15219 an answer to the complaint which is herewith served upon you exclusive of the day of service of this summons upon you exclusive of the day of service, or 60 days defendant. If you fail to do so Judgment by default will be taken against you for the relief demanded in the complaint.

Clerk of the Court Date:

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Case No.

2:24 cv 1358
(to be filled in by the Clerk's Office)

Antwan McCoame

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Hunter Server

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

RECEIVED

SEP 26 2024

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Antwan McDaniel

All other names by which
you have been known:

Allegheny County Prison

ID Number

Current Institution

950 Second Ave

Address

Pgh

City

PA

State

15219

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Sergeant Hunter Server

Job or Title (*if known*)

Sergeant

Shield Number

Employer

Allegheny County Prison

Address

950 Second Ave

Pgh

City

PA

State

15219

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Eric Gamboa

Job or Title (*if known*)

CRU Officer

Shield Number

Employer

Allegheny County Prison

Address

950 2nd Ave

Pgh

City

PA

State

15219

Zip Code

☐

Individual capacity

☒

Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Zachery Turner
CRU OfficerAllegheny County Prison
Pgh PA 15219
City State Zip Code☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City State Zip Code

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th Amendment

Illegal Search and Seizure

14th Pre Trial Detainers Federal Tort Claims Act

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

The 8th 4th 14th Amendment

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

8th 4th 14th Amendment

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

NA

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Allegheny County Prison 4/16/2024

C. What date and approximate time did the events giving rise to your claim(s) occur?

11/16/2024 Poduc Cell 124 Time 2:49

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

The inmate and the camera

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

All is list in writing on The line Paper

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

All is listed in writing on the line Paper

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Allegheny County Prison

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

ALL

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

NA

- E. If you did file a grievance:

1. Where did you file the grievance?

RHU SE

2. What did you claim in your grievance?

3. What was the result, if any?

Was

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

NA

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

ALL Names are listed in writing Paper

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

All of my claims and name are list on
The line paper*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)***VIII. Previous Lawsuits**

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

NA

3. Docket or index number

NA

4. Name of Judge assigned to your case

NA

5. Approximate date of filing lawsuit

NA

6. Is the case still pending?

☐ Yes

☐ No

NA

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

NA

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

NA

2. Court *(if federal court, name the district; if state court, name the county and State)*

NA

3. Docket or index number

NA

4. Name of Judge assigned to your case

NA

5. Approximate date of filing lawsuit

NA

6. Is the case still pending?

☐ Yes

☐ No

NA

If no, give the approximate date of disposition

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

NA

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9-16-2024

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Antwan McCarrel
ANTWAN MCCARREL
294-98-7721 DOC 179460
950 2nd Ave
Pgh PA 15219
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

COMPI21

I'm not sure why Sarver opened my cell door during a institutional lockdown. Sarver had NO reason to open my door there was no security threat or emergency threat that happened he was harassing and threatening me and placed me in Fear of my life. now every time he see me he make threatening motion at me. Behind this I have back spasms and chronic Headaches and could not get an erection for two months. ON 8E they made me take all of my clothing off and spread my Butt hole. They gave me 50 days On RHU. For rec they put us in cages. They keep your Hygiene outside your cell door and did not wash my clothing for 50 Days. For 39 days I did not have a tablet so I could not get the caseworker, medical or call to family. And Before rec they tell you to take off all of your clothing off then they put in the cage like an animal. all of these events are on

Antuan Mammel

Camera. And I've talked
to a major, two Capt,
two other sergeants, Bethany
Hallen from the Jail Oversight
Board and internal affairs
about this.

Two Capt
Capt Gross
Capt Noulet

Two Sergeants
Sergeants Sunday
Sergeants Besselman

Major Hixemeyer

Oversight Board Bethany Hallen

FACT

Date of 4/16/2024 the ACJ was on a institutional lockdown at the time my housing unit was 40... my cell # 124 the time was 2:48pm I was sitting on my mat watching TV when sergeant sarker came onto the unit. the time was 2:50pm he walked around the top and bottom of the unit before turning the tv. I asked him what do he do that he said "Because I wanted to." so I asked him to come over to my cell and do your job and talk to me. He came over and open my cell door and began to scream in an aggressive manner. so I began to scream back. He told me to turn around. so I did as ordered and step out of my cell to the right of my cell facing the wall. so he grabbed my left hand with his left hand and began to bend my hand as he put the handcuffs on. so I turn my head to him to say you do not have to bend my hand I'm not resisting. He pushed me into the wall and put his taser to my back and said turn again. I ask him so what "your go to tase me I knew

Antonio McCarral

You had Bitch in you!! It
 was then when he decided to
 punch me in the left back
 side of my head. At that point
 I then turned face to face
 with him with my hands out
 to my side. It was then when
 he took three steps back
 pointing his taser at me. He was
 telling me to "get on the ground!!"
 I said "no I've seen you kick
 someone on the ground". He
 said "get on the fucking
 ground!!!" He shoots. One hits
 me in the lower left side
 of sternum. the other
 hit me in the upper abdomen.
 After seeing it having no effect
 he shot again! this time one
 hits me in the left thigh and the
 other hits me in the groin. It
 was then I step back and ripped
 the ones out my groin and thigh.
 Him seeing this he punched me
 again. And he call a code 2 that
 is when CO Seamon get up
 from the desks that is when
 sawer punches me again. This
 time falling to the ground
 covering my face as in on my
 back that is when the sergeant

24-0917
relief

I am asking that sergeant
sawyer the Jail and insurance
are held accountable and for the
max amount of damages
that the jury will allow.
I authorize that all infor
mation contained in this docu
ment is true to the best of
my knowledge and belief.

Antwan Proctor

2nd CO and a third CO
put me in handcuffs with
the two other prongs still
in my chest they take me
into the jail port and slam
me on my chest with the other
two prongs in my chest and abrac.
after that they take me to
see the nurse on 5B to get
me over looked then they
took me up to 8E,

Antwan Maxwell